

REMARKS

The Office Action and the cited and applied references have been carefully reviewed. No claim is allowed. Claims 6-8, 16, 17, 21 and 23 presently appear in this application, with claim 23 being withdrawn by the examiner, and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claim 21 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is obviated by the amendment to claim 21.

Reconsideration and withdrawal of this rejection are therefore respectfully requested.

Claims 1, 2, 9, 11 and 22 have been rejected under 35 U.S.C. §102(b) as being anticipated by Sasaki et al., EP1055429. This rejection is obviated by the cancellation of the rejected claims without prejudice.

Claims 1-3 and 9 have been rejected under 35 U.S.C. 102(b) as being anticipated by Nishi et al., *J. Immunol.* 558:247-254 (1997). This rejection is also obviated by the cancellation of the rejected claims without prejudice.

Claims 1, 2, 9, 11 and 22 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kappler et al., WO93/14634.

Appln. No. 10/551,263
Amd. dated September 29, 2010
Reply to Office Action of March 31, 2010

This rejection is obviated by the cancellation of the rejected claims without prejudice.

Claim 21 has been objected to because of informalities. This objection is obviated by the amendment to claim 21 to recite "*Escherichia coli*" in italics.

Reconsideration and withdrawal of the objection are therefore respectfully requested.

Claims 1-9 and 12-17 have been rejected under 35 U.S.C. §112, first paragraph, for new matter. Without conceding to the examiner's position, this rejection is made moot by the cancellation of claim 1 without prejudice and the absence of the recitation "being soluble in water" in the pending claims.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1-3 and 9 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is obviated by the cancellation of the rejected claims without prejudice.

Claims 1-9, 11-17 and 21 have been rejected under 35 U.S.C. §112, first paragraph, for lack of enablement of the full scope of the claims. This rejection is obviated by the amendment

Appln. No. 10/551,263
Amd. dated September 29, 2010
Reply to Office Action of March 31, 2010

to the claims to be directed to what the examiner considers to be enabled.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 11 and 22 have been rejected under 35 U.S.C. §112, second paragraph. This rejection is obviated by the cancellation of the rejected claims without prejudice.

Withdrawn process claim 23 is dependent from elected product claim 21. It is understood that if product claim 21 is subsequently found allowable, then non-elected process claim 23, dependent from product claim 21, will be considered for rejoinder.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicants

By /ACY/
Allen C. Yun
Registration No. 37,971

Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\A\Aoyb\Nakashima6\Pto\2010-09-29\Amendment.doc